

**AGENDA**  
**NIAGARA COUNTY LEGISLATURE**  
**MARCH 4, 2014      –      7:00 P.M.**


**Resolutions not on previous agenda:**

- IL-009-14** Legislators Richard E. Updegrove, Anthony J. Nemi & Kathryn L. Lance, et al., re Calling on Speaker Silver to Permit a Vote on A2386, Welfare Reform Legislation that would Prohibit the Use of Electronic Benefit Transfer (EBT) Cards in Strip Clubs, Liquor Stores, Casinos & Other Similar Venues & the Senate to Again Pass Such Restrictions by Enacting S.966 Immediately – Approved
- IL-010-14** Legislator Richard E. Updegrove, et al., re Calling on NYS Legislature to Reject Governor Cuomo's Plans to Reward Prison Inmates by Providing them with College Educations at Taxpayer Expense – Approved

**Regular Meeting – March 4, 2014**

- \*CS-006-14** Community Services & Administration, re Abolish/Classify Positions – Aging
- \*CS-007-14** Community Services & Administration, re Budget Modification Acceptance of Banfield Charitable Trust Pet Food Grant – Aging
- IL-008-14** Legislators Richard L. Andres, Randy R. Bradt & Administration, re Amending Rule 43 of the Rules of the Legislature Establishing Guidelines for Review of Appointments to be Taken Up by the Legislature
- IL-011-14** Legislators John Syracuse & Kathryn L. Lance, re Calling Upon New York State Public Services Commission to Approve Electrical Transmission Upgrades
- IL-013-14** Legislators Jason A. Zona, Mark J. Grozio, Dennis F. Virtuoso & Owen T. Steed, re Directing Niagara County to do a Request for Proposal for Centralized Storage of County Voting Equipment
- IL-014-14** Legislator Randy R. Bradt, Public Works & Administration, re Award VoIP-Enabling Data Network Upgrade (RFP 2013-47)
- PW-025-14** Public Works & Administration, re Resolution to Declare the Davison Road Property Surplus Property

- \*PW-026-14** Public Works & Administration, re Award of Contract Rehabilitation of Settled Bridge Approaches, Bridge Wearing Course, Structural Slab, Back Wall Cap & Joint Filler Replacement
- PW-027-14** Public Works & Administration, re Authorization for the Niagara County Attorney to Commence Legal Proceedings for the Condemnation of a Permanent Easement
- \*PW-028-14** Public Works, re Lease Agreement with United Cerebral Palsy Association of Niagara County – Olin Building
- \*PW-029-14** Public Works, re Lease Agreement with Niagara Falls City School District 1170 Elmwood Avenue, Niagara Falls, NY
- \*PW-030-14** Public Works, re Agreement between the County of Niagara & People Inc.
- \*PW-031-14** Public Works & Administration, re DPW Golf Course Budget Modification
- \*PW-032-14** Public Works, re Agreement between the County of Niagara & the Krull Olcott Development Committee & Olcott Fire Company
- \*PW-033-14** Public Works, re Agreement between the County of Niagara & the Niagara Celtic Heritage Society, Inc.
- \*PW-034-14** Public Works, re Agreement between the County of Niagara & the Newfane Lacrosse Club
- \*PW-035-14** Public Works, re Agreement between the County of Niagara & the Newfane Soccer Club
- \*PW-036-14** Public Works, re Agreement between the County of Niagara & the Newfane Youth Football League & Cheerleading
- \*PW-037-14** Public Works, re Agreement between the County of Niagara & the Royalton 4<sup>th</sup> of July Committee
- \*PW-038-14** Public Works, re Agreement between the County of Niagara & the Roy-Hart Cross Country Team
- \*PW-039-14** Public Works, re Agreement between the County of Niagara & the Lockport Soccer Club
- \*PW-040-14** Public Works, re Agreement between the County of Niagara & the Lockport High School Cross Country Club
- \*PW-041-14** Public Works, re Agreement between the County of Niagara & Heart of Niagara Animal Rescue, Inc.

  
 Mary Jo Tamburlin, Clerk  
 Niagara County Legislature

**\* Indicates Preferred Agenda items**

Attachments for resolutions may be obtained in the office of the Clerk of the Legislature upon request.

**The next meeting of the Legislature will be held on March 18, 2014.**

# NIAGARA COUNTY LEGISLATURE

**FROM:** Community Services and Administration      **DATE:** 03/04/14      **RESOLUTION #:** CS-006-14

## Committees

**APPROVED BY**  
**CO. ATTORNEY**

**REVIEWED BY**  
**CO. MANAGER**

**COMMITTEE ACTION**  
CS - 2/10/14  
AD - 2/10/14

## LEGISLATIVE ACTION

**Approved:** Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
**Rejected:** Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
**Referred:** \_\_\_\_\_

## ABOLISH/RECLASSIFY POSITIONS IN OFFICE FOR THE AGING

WHEREAS, the Director of the Niagara County Office for the Aging has conducted a review of positions related to the Nutrition Services Program as a result of Dietician position number 3705 being vacated on December 18, 2013, and

WHEREAS, the Director has determined that it would be operationally and economically advantageous to contract for the services of a Registered Dietician and reclassify an existing position in order to absorb some of the Nutrition Services Program duties, and

WHEREAS, the Director has confirmed with New York State that contracting for the services of a Registered Dietician complies with regulations, and

WHEREAS, Niagara County Civil Service has reviewed and approved the Director's proposal for reclassification of the Home Delivered Meal Coordinator position to Nutrition Services Coordinator, and

WHEREAS, the abolishment of the full-time Dietician and subsequent reclassification of the Home Delivered Meal Coordinator will result in a projected annual cost savings of over \$40,000 while still providing this important service in an efficient and cost-effective manner, now, therefore, be it

RESOLVED, that effective March 2, 2014, the Dietician position number 3705, CSEA Grade XI be abolished, and be it further

RESOLVED, that effective March 2, 2014, the Home Delivered Meal Coordinator position number 1389, CSEA Grade IV, be reclassified to Nutrition Services Coordinator, CSEA Grade VII, and that the standard hours be increased from seven (7) to eight (8) hours per day, and be it further

RESOLVED, that the following budget modification be effectuated:

### DECREASE APPROPRIATIONS:

A.24.7610.702 7101.00	3705 Position Expense	\$12,093
A.24.7610.702 71012.00	Longevity	500
A.24.7610.702 78100.00	Retirement Expense	9,880
A.24.7610.702 78200.00	FICA Expense	3,421
A.24.7610.702 78300.00	Worker's Compensation Expense	1,610
A.24.7610.702 78400.01	Insurance, Health Active Hospital/Medical	12,962

### INCREASE APPROPRIATIONS:

A.24.7610.702 7101.00	1389 Position Expense	\$7,706
A.24.7610.702 74500.01	Contractual Expenses	32,760

# NIAGARA COUNTY LEGISLATURE

FROM: Community Services and Administration DATE: 03/04/14 RESOLUTION #: CS-007-14

Committees

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
CS - 2/10/14  
AD - 2/10/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## BUDGET MODIFICATION – ACCEPTANCE OF BANFIELD CHARITABLE TRUST PET FOOD GRANT OFFICE FOR THE AGING

WHEREAS, the Niagara County Office for the Aging (“OFA”) provides among its services home delivered meals for homebound seniors across the county, and

WHEREAS, the Banfield Charitable Trust, in recognition of the serious nature of senior hunger nationwide and the corresponding essential nature of Home Delivered Meals programs (“HDM”), has dedicated to fund the “Banfield Pet Food Distribution” grant program to support HDM clients and their pets, and

WHEREAS, the OFA has recently been advised that it has been awarded an increase in “Banfield Pet Food Distribution” grant in the amount of \$1750 above the \$750 we were initially awarded and budgeted to enhance the Home Delivered Meals Program by providing pet food to existing client’s pets; the grant award now totals \$2500, and

WHEREAS, Donner Creek Veterinary Clinic has offered to sponsor our organization, and donate dog and cat food, and

WHEREAS, Banfield Charitable Trust has partnered with the Niagara County OFA and with Banfield Pet Hospital of Orchard Park to also donate pet food, now, therefore, be it

RESOLVED, that OFA is given authorization to accept the grant increase with the effectuation of the following budget modification:

### INCREASE REVENUE:

A.24.7610.702 42705.00      Gifts and Donations Revenue      \$1750

### INCREASE APPROPRIATION:

A.24.7610.702 74750.02      Supplies, General Supplies/Materials      \$1750

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COMMUNITY SERVICES COMMITTEE

\_\_\_\_\_  
ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

**FROM:** Legislators Richard L. Andres and \_\_\_\_\_ **DATE:** 03/04/14 **RESOLUTION #:** IL-008-14  
Randy R. Bradt and  
Administration Committee

<b>APPROVED BY</b> <b>CO. ATTORNEY</b>	<b>REVIEWED BY</b> <b>CO. MANAGER</b>	<b>COMMITTEE ACTION</b> AD - 2/25/14	<b>LEGISLATIVE ACTION</b> Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
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## RESOLUTION AMENDING RULE 43 OF THE RULES OF THE LEGISLATURE ESTABLISHING GUIDELINES FOR REVIEW OF APPOINTMENTS TO BE TAKEN UP BY THE LEGISLATURE

WHEREAS, the Niagara County Legislature does have the power to appoint individuals to various offices within the County of Niagara, as delineated in Rule 43 of the Rules of the Legislature, and

WHEREAS, said appointments require the affirmation of a majority of Legislators, casting an informed vote, and

WHEREAS, per Rule 43, it has been the practice of the Office of Clerk of the Legislature to lay appointments on the table in the Legislative Chambers for one business day prior to the appointment being taken up by the Legislature, as well as credentials, résumés, and other supporting materials of the same, and

WHEREAS, such practice is prohibitive to careful examination of appointees' qualifications by those lawmakers who, through employment and other obligations, are unable to obtain and review such materials prior to the business being taken up by the Legislature in session, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby amends Rule 43 of the Rules of the Legislature as follows, per amending authority set in Rule 48 of the Rules of the Legislature:

### RULE 43: APPOINTMENTS AND CONFIRMATIONS

All appointments by this Legislature shall lie on the table one business day except for appointments made for the purpose of organizing the Legislature and the reappointment of incumbents which may be acted on immediately. All appointments requiring the confirmation of the Legislature may be acted on immediately.

Candidates, including incumbents seeking appointment, shall formally submit, in writing, to the Chairman of the Legislature, notice of their candidacy for that position.

*The Clerk of the Legislature shall transmit such appointments, as well as credentials, résumés, and other supporting materials of the same, to the members of the Legislature 24 hours prior to the meeting at which they shall be taken up, except for appointments made for the purpose of organizing the Legislature and the reappointment of incumbents.*

and be it further

RESOLVED, that the Niagara County Legislature hereby directs the Clerk of the Legislature to carry out said guidance by transmitting the same via e-mail utilizing Microsoft Word .DOC or .DOCX documents and/or Adobe Acrobat .PDF format, and be it further

RESOLVED, that the Clerk shall be exempted from this requirement for those Legislators who choose to not utilize e-mail.

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LEGISLATOR RICHARD L. ANDRES

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LEGISLATOR RANDY R. BRADT

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Legislators John Syracuse and DATE: 03/04/14 RESOLUTION #: IL-011-14

Kathryn L. Lance

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## RESOLUTION CALLING UPON NEW YORK STATE PUBLIC SERVICE COMMISSION TO APPROVE ELECTRICAL TRANSMISSION UPGRADES

WHEREAS, the United States Department of Energy and the New York Independent System Operator have identified New York State electric transmission lines as being aged and unable to deliver adequate capacity, a condition known as “transmission congestion”, and

WHEREAS, there is a growing demand for electricity in the New York City area, but because of the inadequate transmission system in New York State, specifically the “choke points” for electric transmission from Utica going east, and Albany going south, plants in Upstate New York that have abundant available power, the Somerset Generating Station included among them, cannot get their product to this demand market, and

WHEREAS, customers across New York State are paying higher utility bills due to congestion charges which cost ratepayers across the state more than \$650 million a year while impeding grid reliability, and

WHEREAS, in 2012, the Honorable Andrew M. Cuomo, Governor of the State of New York, announced his Energy Highway initiative to address this problem, establishing a goal of developing transmission improvement projects that would ease congestion charges, allow the transfer of an additional 1000 megawatts of power from upstate generators to New York City and create thousands of additional jobs in the process, and

WHEREAS, the Public Service Commission (PSC) initiated the AC transmission proceeding in order to vet various transmission proposals generated from said Energy Highway initiative, and

WHEREAS, the improvement of the state’s transmission system will have numerous economic and environmental benefits including \$7 billion in economic activity in the state and the creation of nearly 38,000 total jobs, as well as reducing carbon emissions and Nitrous oxide emissions by 370,000 and 200,000 tons respectively, and

WHEREAS, Governor Cuomo called for an expedited ten month approval process for transmission upgrades that are undertaken within the existing right of way, now, therefore, be it

RESOLVED, that the Legislature of the County of Niagara does call upon the Public Service Commission to act expeditiously to approve the necessary transmission upgrades through the AC Transmission proceeding, so that Western New York and the entirety of New York State may realize the economic and environmental benefits that such upgrades will provide, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senate Vice President Pro Tem George D. Maziarz; Senator Mark J. Grisanti; Senate Temporary President Dean G. Skelos; Senate Deputy Majority Leader Thomas W. Libous; Senate Majority Coalition Leader Jeffrey D. Klein; Member of the Assembly Jane L. Corwin; Member of the Assembly Ray Walter; Member of the

Assembly John D. Ceretto; Member of the Assembly Robin Schimminger; Member of the Assembly Amy R. Paulin; Member of the Assembly James F. Brennan; New York State Public Service Commission Chairwoman Audrey Zibelman; Commissioner Patricia L. Acampora; Commissioner Gregg C. Sayre; Commissioner Garry A. Brown; Commissioner Diane X. Burman; and all others deemed necessary and proper.

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LEGISLATOR JOHN SYRACUSE

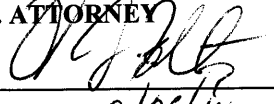
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LEGISLATOR KATHRYN L. LANCE



# NIAGARA COUNTY LEGISLATURE

**FROM:** Legislators Jason A. Zona, Mark J. Grozio, Dennis F. Virtuoso, and Owen T. Steed **DATE:** 03/04/14 **RESOLUTION #:** IL-013-14

<b>APPROVED BY</b> <i>(As to Form)</i> <b>CO. ATTORNEY</b>  2/26/14	<b>REVIEWED BY</b> <b>CO. MANAGER</b> _____	<b>COMMITTEE ACTION</b> _____ _____ _____	<b>LEGISLATIVE ACTION</b> <b>Approved:</b> Ayes _____ Abs. _____ Noes _____ <b>Rejected:</b> Ayes _____ Abs. _____ Noes _____ <b>Referred:</b> _____
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## RESOLUTION DIRECTING NIAGARA COUNTY TO DO A REQUEST FOR PROPOSAL FOR CENTRALIZED STORAGE OF COUNTY VOTING EQUIPMENT

WHEREAS, the Niagara County Board of Elections leases space at 1961 Transit Rd, Burt, for storage of voting machines, equipment and training, and

WHEREAS, in 2013, a lease agreement extending the current contract with Clear Opportunity Properties LLC for the site at 1961 Transit Rd Burt was automatically extended, and

WHEREAS, to terminate the lease agreement with Clear Opportunity Properties LLC, Niagara County must provide one hundred twenty days notice in writing to Clear Opportunity Properties LLC, and

WHEREAS, it is in the best interest of the Niagara County taxpayers to do a request for proposals for the location for centralized storage of county voting equipment, and for all other buildings the county utilizes space from, and

WHEREAS, issuing a request for proposal for centralized storage of voting machine equipment provides full transparency for Niagara County in securing the lowest possible price, now, therefore, be it

RESOLVED, the Niagara County Legislature directs the County Manager to terminate the current lease with Clear Opportunity Properties LLC, and be it further

RESOLVED, the Niagara County Legislature directs the County Manager to issue a Request for Proposal for centralized storage of county voting equipment.

\_\_\_\_\_  
LEGISLATOR JASON A. ZONA

\_\_\_\_\_  
LEGISLATOR MARK J. GROZIO

\_\_\_\_\_  
LEGISLATOR DENNIS F. VIRTUOSO

\_\_\_\_\_  
LEGISLATOR OWEN T. STEED

# NIAGARA COUNTY LEGISLATURE

**FROM:** Legislator Randy R. Bradt, Public Works    **DATE:** 03/04/14    **RESOLUTION#:** IL-014-14  
and Administration Committee

**APPROVED BY  
CO. ATTORNEY**

**REVIEWED BY  
CO. MANAGER**

**COMMITTEE ACTION**  
PW - 2/24/14  

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AD - 2/25/14

**LEGISLATIVE ACTION**  
**Approved:** Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
**Rejected:** Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
**Referred:** \_\_\_\_\_

**AWARD VOIP-ENABLING DATA NETWORK UPGRADE (RFP 2013-47)**

WHEREAS, Resolution No. PW-082-12, dated September 18, 2012, approved the Telecommunications Upgrade in the Capital Projects 2012 Bonding Program, and

WHEREAS, it is necessary for the County to upgrade to a VoIP-Enabling Data Network, and

WHEREAS, the Information Technology Department has prepared specifications and the Purchasing Department has advertised for proposals for RFP 2013-47 VoIP-Enabling Data Network Upgrade on September 6, 2013, and

WHEREAS, five proposals were publicly opened and read by our Purchasing Department on October 10, 2013, and

WHEREAS, these proposals were independently evaluated, based upon the evaluation and award criteria in the RFP, by the Niagara County Information Technology staff and our two consultants, ECC Technologies and Cannon Design, and

WHEREAS, on November 14, 2013 interview sessions were conducted to the top three ranked proposals of IPLogic, Finger Lakes Technology Group and Advance 2000, and

WHEREAS, a further interview session was conducted by a joint Administrative and Public Works Committee on January 22, 2014, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the contract for the VoIP-Enabling Data Network Upgrade (RFP 2013-47) be awarded to the lowest responsible bid, which was submitted by Advance 2000, 1140 Wehrle Drive, Amherst, New York 14228, in the amount not to exceed \$715,091.00, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

LEGISLATOR RANDY R. BRADT

PUBLIC WORKS COMMITTEE

## ADMINISTRATION COMMITTEE

**FROM:** Public Works and Administration      **DATE:** 03/04/14      **RESOLUTION #:** PW-025-14

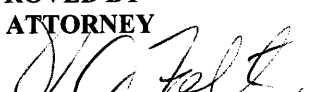
**LEGISLATIVE ACTION**  
**Approved:** Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
**Rejected:** Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
**Referred:** \_\_\_\_\_

## ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

**FROM:** Public Works and Administration      **DATE:** 03/04/14      **RESOLUTION #:** PW-026-14

Committees

<b>APPROVED BY</b> <b>CO. ATTORNEY</b>  <u>2/26/14</u>	<b>REVIEWED BY</b> <b>CO. MANAGER</b>  	<b>COMMITTEE ACTION</b> <u>PW - 2/24/14</u> <u>AD - 2/25/14</u> 	<b>LEGISLATIVE ACTION</b> <b>Approved:</b> Ayes _____ Abs. _____ Noes _____ <b>Rejected:</b> Ayes _____ Abs. _____ Noes _____ <b>Referred:</b> _____
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## AWARD OF CONTRACT – REHABILITATION OF SETTLED BRIDGE APPROACHES, BRIDGE WEARING COURSE, STRUCTURAL SLAB, BACK WALL CAP AND JOINT FILLER REPLACEMENT

WHEREAS, the Department of Public Works, Engineering Division has prepared specifications and the Niagara County Purchasing Department has advertised for bids for the rehabilitation of settled bridge approaches, bridge wearing course, structural slab, back wall cap and joint filler replacement, and

WHEREAS, funds are available in the 2014 budget of the Highways, Bridges & Structures Division of the Department of Public Works, and

WHEREAS, the following bids were publicly opened and read by our Purchasing Department on February 18, 2014 and tabulated below:

Mark Cerrone Inc. 2368 Maryland Avenue P.O. Box 3009 Niagara Falls, NY 14304	\$333,917.93
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and

WHEREAS, the Public Works Committee has examined the bid and additional funds are required, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the contract for Rehabilitation of Settled Bridge Approaches, Bridge Wearing Course, Structural Slab, Back Wall Cap and Joint Filler Replacement be awarded to the lowest responsible bidder, Mark Cerrone Inc., 2368 Maryland Avenue, P.O. Box 3009, Niagara Falls, NY 14304, in the amount of \$333,917.93, and be it further

RESOLVED, the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

D.15.5120.000.43501.00	Consolidated Highway Aid	\$80,000.00
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INCREASE ANTICIPATED EXPENSES:

D.15.5120.000.74800.06	Repairs/Maintenance	\$80,000.00
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RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

\_\_\_\_\_  
PUBLIC WORKS COMMITTEE

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ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works and Administration DATE: 03/04/14 RESOLUTION #: PW-027-14

## Committees

APPROVED BY	REVIEWED BY	COMMITTEE ACTION	LEGISLATIVE ACTION
CO. ATTORNEY <i>-SUBJECT TO AMENDMENT</i>	CO. MANAGER	PW - 2/24/14	Approved: Ayes _____ Abs. _____ Noes _____
		AD - 2/25/14	Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## AUTHORIZATION FOR THE NIAGARA COUNTY ATTORNEY TO COMMENCE LEGAL PROCEEDINGS FOR THE CONDEMNATION OF A PERMANENT EASEMENT

WHEREAS, the Niagara County Department of Public Works Engineering division has a road project that requires the acquisition of the following property: 2575 Braley Road, Town of Porter, and

WHEREAS, the County is unable to establish the legal owner, and

WHEREAS, it is necessary for Niagara County to commit to acquiring the easement for completion of the construction project, and

WHEREAS, pursuant to the New York State Eminent Domain Procedure Law the County has the authority to acquire this easement by condemnation proceedings, and

WHEREAS, all necessary surveys have been completed and the necessary documents have been received and documents have been prepared for filing to commence condemnation proceedings, now, therefore, be it



RESOLVED, that the Niagara County Legislature, hereby approves and authorizes the County Attorney to take any and all necessary measures and legal procedures to commence a condemnation proceeding on the aforementioned property.

\_\_\_\_\_  
PUBLIC WORKS COMMITTEE

\_\_\_\_\_  
ADMINISTRATION COMMITTEE

# NIAGARA COUNTY LEGISLATURE

**FROM:** Public Works Committee      **DATE:** 03/04/14      **RESOLUTION #:** PW-028-14

<b>APPROVED BY</b> <b>CO. ATTORNEY</b> 	<b>REVIEWED BY</b> <b>CO. MANAGER</b> 	<b>COMMITTEE ACTION</b> <u>PW - 2/24/14</u>   	<b>LEGISLATIVE ACTION</b> <b>Approved:</b> Ayes _____ Abs. _____ Noes _____ <b>Rejected:</b> Ayes _____ Abs. _____ Noes _____ <b>Referred:</b> _____
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# LEASE AGREEMENT WITH UNITED CEREBRAL PALSY ASSOCIATION OF NIAGARA COUNTY – OLIN BUILDING

WHEREAS, the County owns property locally known as the Olin Building, located on Packard Road near 30<sup>th</sup> Street in the City of Niagara Falls, NY, and

WHEREAS, the United Cerebral Palsy Association of Niagara County desires to continue renting this facility from the County of Niagara for the next five (5) years, at a sum of \$1.00 per year, and

WHEREAS, the United Cerebral Palsy Association of Niagara County does provide policies of liability for their function at this location, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review the documents for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that your Public Works Committee recommends the a lease agreement be entered into with the United Cerebral Palsy Association of Niagara County, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the lease agreement and/or any required documents.

## PUBLIC WORKS COMMITTEE

**NIAGARA COUNTY LEGISLATURE**

**FROM:** Public Works Committee      **DATE:** 03/04/14      **RESOLUTION #:** PW-029-14

**APPROVED BY  
CO. ATTORNEY**

**REVIEWED BY**  
**CO. MANAGER**

**COMMITTEE ACTION**  
PW - 2/24/14

## LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

**Rejected:** Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

**Referred:** \_\_\_\_\_

**LEASE AGREEMENT WITH NIAGARA FALLS CITY SCHOOL DISTRICT**  
**1170 ELMWOOD AVENUE, NIAGARA FALLS NY**

WHEREAS, the Niagara Falls City School District owns property at 1170 Elmwood Avenue, Niagara Falls, NY, which has parking spaces available for Niagara County use, and

WHEREAS, Niagara County desires to lease this area from the Niagara Falls City School District for additional parking spaces for Trott ACCESS Center staff and visitors, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review the documents for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that a lease agreement be entered into with the Niagara Falls City School District for parking spaces at 1170 Elmwood Avenue, Niagara Falls, NY, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/04/14 RESOLUTION #: PW-030-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
		PW - 2/24/14	Approved: Ayes _____ Abs. _____ Noes _____
			Rejected: Ayes _____ Abs. _____ Noes _____
			Referred: _____

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND PEOPLE INC.

WHEREAS, members of People Inc. have requested that the County of Niagara grant them permission to use the buildings at the Davison Road Campus, for the purpose of taking photographs of the interior and exterior architectural features of said buildings, and

WHEREAS, it is the wish of the People Inc. to photograph these buildings on March 1, 2014 through March 31, 2014, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with People Inc., and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and People Inc., the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, it is

RESOLVED, that following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and People Inc.

\_\_\_\_\_  
PUBLIC WORKS COMMITTEE



# NIAGARA COUNTY LEGISLATURE

**FROM:** Public Works and Administration **DATE:** 03/04/14 **RESOLUTION #:** PW-031-14

## Committees

**APPROVED BY**  
**CO. ATTORNEY**

**REVIEWED BY**  
**CO. MANAGER**

**COMMITTEE ACTION**

**LEGISLATIVE ACTION**

PW - 2/24/14

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

AD - 2/25/14

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## DPW-GOLF COURSE BUDGET MODIFICATION

WHEREAS, in June 2013 severe weather caused damage to the 13<sup>th</sup> and 14<sup>th</sup> holes at the Niagara County Golf Course, and

WHEREAS, Governor Cuomo declared parts of Western New York as a disaster area, which encompassed the Niagara County Golf Course, and

WHEREAS, the County submitted paperwork to be eligible to receive Federal Emergency Management Agency funds for these necessary repairs, and

WHEREAS, the County was successful in receiving this aid and it is necessary to appropriate this revenue so the proper repairs can be made in 2014, now, therefore, be it

RESOLVED, that the following budget modification be effectuated for various improvements to occur on the 13<sup>th</sup> and 14<sup>th</sup> holes at the Niagara County Golf Course:

### INCREASE ESTIMATED REVENUE:

ER.26.7140.000.44960.01	Emergency Disaster Assistance	\$41,724
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### INCREASE APPROPRIATION:

ER.26.7140.0000.74800.08	Landscape/Grounds Maintenance	\$41,724
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PUBLIC WORKS COMMITTEE

\_\_\_\_\_  
ADMINISTRATION COMMITTEE

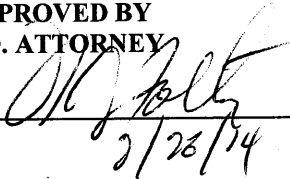
**FROM:** Public Works Committee      **DATE:** 03/04/14      **RESOLUTION #:** PW-032-14

**LEGISLATIVE ACTION**  
**Approved:** Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
**Rejected:** Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
**Referred:** \_\_\_\_\_

## PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/04/14 RESOLUTION #: PW-033-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION PW - 2/24/14	LEGISLATIVE ACTION Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____
 2/28/14			

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NIAGARA CELTIC HERITAGE SOCIETY, INC.

WHEREAS, the Niagara Celtic Heritage Society, Inc. has requested that the County of Niagara grant them permission to use the north section of Krull Park for the purpose of holding a Celtic Festival, and

WHEREAS, this Festival has been successful for the past several years in attracting thousands of visitors from across Niagara County and Greater Western New York, and

WHEREAS, it is the wish of the local community to hold the Celtic Festival on September 13 - 14, 2014, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Niagara Celtic Heritage Society, Inc., and


WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Niagara Celtic Heritage Society, Inc., the County Attorney will review said Agreement for approval as to legal form, language, and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chair of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the Niagara Celtic Heritage Society, Inc.

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PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

**FROM:** Public Works Committee **DATE:** 03/04/14 **RESOLUTION #:** PW-034-14

<b>APPROVED BY</b> <b>CO. ATTORNEY</b>	<b>REVIEWED BY</b> <b>CO. MANAGER</b>	<b>COMMITTEE ACTION</b> PW - 2/24/14	<b>LEGISLATIVE ACTION</b>
 2/26/14			<b>Approved:</b> Ayes _____ Abs. _____ Noes _____ <b>Rejected:</b> Ayes _____ Abs. _____ Noes _____ <b>Referred:</b> _____

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE LACROSSE CLUB

WHEREAS, the Newfane Lacrosse Club has requested that the County of Niagara grant them exclusive rights to operate a lacrosse program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of the Town of Newfane in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Newfane Lacrosse Club, and

WHEREAS, prior to the execution of the agreement, the County Attorney will review the agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Newfane Lacrosse Club, as appears in the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

\_\_\_\_\_  
PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee

DATE: 03/04/14

RESOLUTION #: PW-035-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/24/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_  
Referred: \_\_\_\_\_

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE SOCCER CLUB

WHEREAS, the Newfane Soccer Club has requested that the County of Niagara grant them exclusive rights to operate a Soccer program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of both the Town of Newfane in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Newfane Soccer Club, the County Attorney will review said agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Newfane Youth Soccer Club, now, therefore, be it

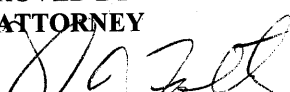
RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Newfane Soccer Club, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and the Newfane Soccer Club.

PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/04/14 RESOLUTION #: PW-036-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION PW - 2/24/14	LEGISLATIVE ACTION
 8/26/14			Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE NEWFANE YOUTH FOOTBALL LEAGUE AND CHEERLEADING

WHEREAS, the Newfane Youth Football League and Cheerleading has requested that the County of Niagara grant them exclusive rights to operate a football program in an area situated in the County owned property on Lake Road, and

WHEREAS, this program benefits the youth and other residents of both the Town of Newfane in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Newfane Youth Football League and Cheerleading, the County Attorney will review said agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Newfane Youth Football League, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Newfane Youth Football League and cheerleading, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that the Chairman of the Legislature is authorized and directed to execute and deliver the agreement with the Newfane Youth Football League and Cheerleading.

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PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/04/14 RESOLUTION #: PW-037-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

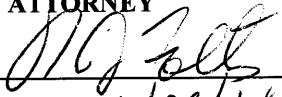
COMMITTEE ACTION  
PW - 2/24/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

  
2/28/14

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE ROYALTON 4TH OF JULY COMMITTEE

WHEREAS, the Royalton 4th of July Committee has requested that the County of Niagara grant them permission to use the Royalton Ravine Park for the purpose of holding a July 4th celebration and fireworks display, and

WHEREAS, it is the wish of the Royalton 4th of July Committee to hold the celebration and fireworks display on July 4, 2014, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Royalton 4th of July Committee, and

WHEREAS, prior to the execution of the agreement, the County Attorney will review the agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Royalton 4th of July Committee, as appears in the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

\_\_\_\_\_  
PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/04/14 RESOLUTION #: PW-038-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/24/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE ROY-HART CROSS COUNTRY TEAM

WHEREAS, the Roy-Hart Cross Country Team has requested that the County of Niagara grant them exclusive rights to operate a cross country program in an area situated in the County owned property on Gasport Road, and

WHEREAS, this program benefits the youth and other residents of both the Towns of Royalton and Hartland in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and the Roy-Hart Cross Country Team, the County Attorney will review said agreement for approval as to legal form, language and compliance, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Roy-Hart Cross Country Team, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Roy-Hart Cross Country Team, as appears on the proposed agreement, is hereby approved in all respects, and be it further


RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the license agreement and/or any required documents.

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PUBLIC WORKS COMMITTEE



# NIAGARA COUNTY LEGISLATURE

**FROM:** Public Works Committee **DATE:** 03/04/14 **RESOLUTION #:** PW-039-14

APPROVED BY CO. ATTORNEY	REVIEWED BY CO. MANAGER	COMMITTEE ACTION	LEGISLATIVE ACTION
 2/26/14		PW - 2/24/14	Approved: Ayes _____ Abs. _____ Noes _____ Rejected: Ayes _____ Abs. _____ Noes _____ Referred: _____

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE LOCKPORT SOCCER CLUB

WHEREAS, the Lockport Soccer Club has requested that the County of Niagara grant them exclusive rights to operate a Soccer program in an area situated in the County owned property on Davison Road, and

WHEREAS, this program benefits the youth and other residents of both the Town of Lockport in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Lockport Youth Soccer Club, and

WHEREAS, prior to the execution of the agreement, the County Attorney will review the agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Lockport Soccer Club, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the agreement and/or any required documents.

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PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/04/14 RESOLUTION #: PW-40-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/24/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND THE LOCKPORT HIGH SCHOOL CROSS COUNTRY CLUB

WHEREAS, the Lockport High School Cross Country Club has requested that the County of Niagara grant them exclusive rights to operate a Cross Country program in an area situated in the County owned property near Day Road Park, and

WHEREAS, this program benefits the residents of the Town and City of Lockport in addition to Niagara County as a whole, and

WHEREAS, such program is operated on a not-for-profit basis, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with the Lockport High School Cross Country Club, and

WHEREAS, prior to the execution of the agreement, the County Attorney will review the agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the terms and conditions of the agreement between the County of Niagara and the Lockport High School Cross Country Club, as appears on the proposed agreement, is hereby approved in all respects, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute said agreement and/or any required documents

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PUBLIC WORKS COMMITTEE

# NIAGARA COUNTY LEGISLATURE

FROM: Public Works Committee DATE: 03/04/14 RESOLUTION #: PW-041-14

APPROVED BY  
CO. ATTORNEY

REVIEWED BY  
CO. MANAGER

COMMITTEE ACTION  
PW - 2/24/14

LEGISLATIVE ACTION

Approved: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Rejected: Ayes \_\_\_\_\_ Abs. \_\_\_\_\_ Noes \_\_\_\_\_

Referred: \_\_\_\_\_

## AGREEMENT BETWEEN THE COUNTY OF NIAGARA AND HEART OF NIAGARA ANIMAL RESCUE, INC.

WHEREAS, Heart of Niagara Animal Rescue, Inc. has requested that the County of Niagara grant them permission to use Oppenheim Park, for the purpose of holding an Animal Agility & Obedience Event, to be held on July 12, 2014, and

WHEREAS, the event will be successful in attracting many families from the area, and

WHEREAS, it is the wish of the organizers to hold the event on July 12th, 2014, and

WHEREAS, the event coordinator will provide all insurances required by the Risk Management Office, and agree to cover all extraordinary expenses associated with event, and

WHEREAS, it is the desire of Niagara County to enter into a formal agreement with Niagara Animal Rescue, Inc., and

WHEREAS, prior to the execution of the license agreement between the County of Niagara and Niagara Animal Rescue, Inc., the County Attorney will review said agreement for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the County Legislature be, and hereby is, authorized to execute the license agreement between the County of Niagara and Niagara Animal Rescue, Inc..

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PUBLIC WORKS COMMITTEE